

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

JOHN ADAM BAKER, individually and on behalf of a class of others similarly situated, United States District Court  
Case No. 1:22-CV-0030-TWT

Plaintiff,

v.

AMERICAN TELECONFERENCING  
SERVICES, LTD, d/b/a PREMIERE GLOBAL  
SERVICES, INC.,

Case removed from:  
Superior Court of Fulton County  
Case No. 2021-cv-357466

Defendant.

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**NOTICE OF REMOVAL**

American Teleconference Services, Ltd., d/b/a Premiere Global Services, Inc. (“Premiere” or “Defendant”), by its attorneys, Troutman Pepper Hamilton Sanders LLP, files this Notice of Removal of the above-captioned action from the Superior Court of Fulton County, State of Georgia, pursuant to 28 U.S.C. § 1441. In support thereof, Premiere avers as follows:

**BACKGROUND**

1. On or about November 29, 2021, Plaintiff John Adam Baker (“Baker” or “Plaintiff”), individually and on behalf of a putative class of others similarly situated, filed a Complaint in the Superior Court of Fulton County as Case No. 2021-cv-357466. All pleadings filed in Superior Court of Fulton County as Case No. 2021-cv-357466 are attached hereto as Exhibit A.

2. On December 6, 2021, Premiere was served with a copy of the Summons and Complaint.

3. The Complaint relates to a terminated Employee Severance Pay Plan, Plan No. 506 (“Plan”), that was sponsored by Premiere and through which certain severance benefits

were available.

4. The Plan was an “employee welfare benefit plan” within the meaning of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* (“ERISA”).

### **GROUND FOR REMOVAL**

5. A civil action of which a district court has original jurisdiction founded upon a claim or right arising under the laws of the United States shall be removable without regard to citizenship or residence of the parties. *See* 28 U.S.C. §§ 1331, 1441.

6. Removal is authorized when the well-pled allegations of the Complaint raise an issue of federal law. *Louisville and Nashville R. Co. v. Mottley*, 211 U.S. 149 (1908), overruled on other grounds, *Smith v. Kansas City Title and Trust Co.*, 255 U.S. 180 (1921).

7. The controversy between Plaintiff and Defendant involves a federal question over which this Court has original jurisdiction. Each of Plaintiff’s claims arise out of, and he seeks benefits and other relief under, an employee benefit plan that is governed exclusively by ERISA, 29 U.S.C. § 1001 *et seq.* Plaintiff’s claims plainly “relate to” an employee benefit plan, and his remedy, if any, lies exclusively within the civil enforcement scheme of ERISA, which completely preempts the field. *Pilot Life Ins. Co. v. Dedeaux*, 481 U.S. 41, 107 S. Ct. 1549 (1987); *Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58, 107 S. Ct. 1542 (1987) (claim related to employee benefit plan is preempted by ERISA and is removable pursuant to § 1441).

8. This Notice is timely, as it is being filed less than thirty (30) days after service of the Complaint. 28 U.S.C. § 1446(b).

9. A Notice of Filing of this Notice of Removal will be filed with the Fulton County Superior Court contemporaneously with the filing of this Notice of Removal in accordance with 28 U.S.C. § 1446(d). A copy of the Notice of Filing of this Notice of Removal is attached

hereto as Exhibit B.

WHEREFORE, Defendant American Teleconference Services, Ltd., d/b/a Premiere Global Services, Inc. hereby removes this action from the Superior Court of Fulton County to the United States District Court for the Northern District of Georgia.

Respectfully submitted,

*s/Seth T. Ford*

SETH T. FORD  
TROUTMAN PEPPER HAMILTON  
SANDERS LLP  
600 Peachtree Street, N.E.  
Suite 3000  
Atlanta, GA 30308  
404.885.3000  
seth.ford@troutman.com

*Attorneys for Defendant American  
Teleconference Services, Ltd., d/b/a Premiere  
Global Services, Inc.*

Dated: January 5, 2022

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NORTHERN DISTRICT OF GEORGIA  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of January, 2022, a copy of the foregoing Notice of Removal and this Certificate of Service were filed electronically with the U.S. District Court, Northern District of Georgia, and notice will be sent by operation of the Court's electronic filing system to all ECF participants, and notice will be sent via U.S. Mail, postage prepaid, to:

JEREMY STEPHENS  
Morgan and Morgan, PA  
191 Peachtree NE, Suite 4300  
Atlanta, GA 30303

Respectfully submitted,

*s/Seth T. Ford*

SETH T. FORD

TROUTMAN PEPPER HAMILTON

SANDERS LLP

600 Peachtree Street, N.E.

Suite 3000

Atlanta, GA 30308

404.885.3000

seth.ford@troutman.com

*Attorneys for Defendant American  
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Dated: January 5, 2022